



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

SOUTHWEST REGIONAL OFFICE
355-A Deadmore Street, Abingdon, Virginia 24210
(276) 676-4800 FAX (804) 698-4178
www.deq.virginia.gov

Andrew R. Wheeler
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director
(804) 698-4000

Jeffrey Hurst
Regional Director

**DRAFT
STATEMENT OF LEGAL AND FACTUAL BASIS**

INGENCO Wholesale Power, LLC
Chester, Chesterfield County, Virginia
Permit No. PRO-52037

Title V of the 1990 Clean Air Act Amendments required each state to develop a permit program to ensure that certain facilities have federal Air Pollution Operating Permits, called Title V Operating Permits. As required by 40 CFR Part 70 and 9VAC5 Chapter 80, INGENCO Wholesale Power, LLC has applied for a Title V Operating Permit for its Chesterfield County facility. The Department has reviewed the application and has prepared a draft Title V Operating Permit.

Permit Writer: _____
Bruce Mullins
(276) 698-7335

Date: _____

Air Permit Manager: _____
Rob Feagins

Date: _____

Regional Director: _____
Jeffrey Hurst

Date: _____

FACILITY INFORMATION

Permittee

INGENCO Wholesale Power, LLC
2250 Dabney Road
Richmond, Virginia 23230

Facility

INGENCO Chesterfield
11740 Lewis Road
Chester, Virginia 23831

County-Plant Identification Number: 51-041-00487

FACILITY DESCRIPTION

NAICS Code: 221117 – Biomass electric power generation

The INGENCO Chesterfield Plant is a 16.8 MW power generation facility using 48 Detroit Diesel Series 60 diesel-electric generators arranged into 8 groups of 6 engines each. The INGENCO Chesterfield Plant is located adjacent to the Shoosmith Brothers Landfill (Registration No. 50752), which supplies landfill gas (LFG) to the INGENCO Chesterfield Plant as one of the fuels for the 48 Detroit Diesel Series 60 diesel-electric generators. The Shoosmith Brothers Landfill and the INGENCO Chesterfield plant are not considered a single stationary source under the PSD and Title V regulations. All LFG consumed by the engines must be processed through the landfill gas treatment system on the INGENCO Chesterfield Plant site before use. The landfill gas treatment system is composed of de-watering, filtration, and compression processes.

The INGENCO Chesterfield Plant is a Title V major source of Nitrogen Oxides (NO_x) and Carbon Monoxide (CO) and is currently permitted to 240 tons per year (TPY) or less for each pollutant. The source is located in an attainment area for all pollutants, and is a PSD minor source. A Title V Operating Permit was initially issued on September 24, 2004 and the facility is currently permitted under a minor New Source Review (NSR) Permit amendment issued on July 30, 2012.

COMPLIANCE STATUS

A full compliance evaluation of this facility, including a site visit, was most recently conducted on July 15, 2020. All reports and other data required by permit conditions or regulations, which are submitted to DEQ, have been evaluated for compliance. The facility was issued a Request for Corrective Action (RCA) on September 24, 2020, alleging noncompliance with Condition 28 of the Title V operating permit dated October 17, 2017 (as amended June 23, 2021), which

requires monthly visible emissions observations of the Burnham boiler (B1). The facility responded to the RCA on October 23, 2020.

The facility was issued a RCA on October 14, 2021, alleging noncompliance with Condition 24 of the Title V operating permit, which requires hourly monitoring of the inlet charge-air temperature of the engines (A1 – H6), and Condition 30.e. of the Title V operating permit, which requires recordkeeping of hourly engine inlet charge-air temperature. The cause is reported as being a loss of contact between the SCADA Historian and plant computers. The facility has stated that a storage card will be added to the plant computer to back up the required data in the event of future connection issues.

EMISSION UNITS

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description*	PCD ID	Pollutant Controlled	Applicable Permit Date
A1 – A6	S1	Six Detroit Diesel Model 6063-GK60 dual-fuel diesel engines	550 hp and 3.57 MMBtu/hr heat input, each engine	Passive controls: air-to-fuel ratio control, turbo-charging, custom built after coolers and charge-air cooling systems, engine control modules	Not Applicable	NO _x , CO, SO ₂ , VOC, PM/PM10	7/30/2012
B1 – B6	S2	Six Detroit Diesel Model 6063-GK60 dual-fuel diesel engines	550 hp and 3.57 MMBtu/hr heat input, each engine	Passive controls: air-to-fuel ratio control, turbo-charging, custom built after coolers and charge-air cooling systems, engine control modules	Not Applicable	NO _x , CO, SO ₂ , VOC, PM/PM10	7/30/2012
C1 – C6	S3	Six Detroit Diesel Model 6063-GK60 dual-fuel diesel engines	550 hp and 3.57 MMBtu/hr heat input, each engine	Passive controls: air-to-fuel ratio control, turbo-charging, custom built after coolers and charge-air cooling systems, engine control modules	Not Applicable	NO _x , CO, SO ₂ , VOC, PM/PM10	7/30/2012
D1 – D6	S4	Six Detroit Diesel Model 6063-GK60 dual-fuel diesel engines	550 hp and 3.57 MMBtu/hr heat input, each engine	Passive controls: air-to-fuel ratio control, turbo-charging, custom built after coolers and charge-air cooling systems, engine control modules	Not Applicable	NO _x , CO, SO ₂ , VOC, PM/PM10	7/30/2012
E1 – E6	S5	Six Detroit Diesel Model 6063-GK60 dual-fuel diesel engines	550 hp and 3.57 MMBtu/hr heat input, each engine	Passive controls: air-to-fuel ratio control, turbo-charging, custom built after coolers and charge-air cooling systems, engine control modules	Not Applicable	NO _x , CO, SO ₂ , VOC, PM/PM10	7/30/2012
F1 – F6	S6	Six Detroit Diesel Model 6063-GK60 dual-fuel diesel engines	550 hp and 3.57 MMBtu/hr heat input, each engine	Passive controls: air-to-fuel ratio control, turbo-charging, custom built after coolers and charge-air cooling systems, engine control modules	Not Applicable	NO _x , CO, SO ₂ , VOC, PM/PM10	7/30/2012
G1 – G6	S7	Six Detroit Diesel Model 6063-GK60 dual-fuel diesel engines	550 hp and 3.57 MMBtu/hr heat input, each engine	Passive controls: air-to-fuel ratio control, turbo-charging, custom built after coolers and charge-air cooling systems, engine control modules	Not Applicable	NO _x , CO, SO ₂ , VOC, PM/PM10	7/30/2012

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description*	PCD ID	Pollutant Controlled	Applicable Permit Date
H1 – H6	S8	Six Detroit Diesel Model 6063-GK60 dual-fuel diesel engines	550 hp and 3.57 MMBtu/hr heat input, each engine	Passive controls: air-to-fuel ratio control, turbo-charging, custom built after coolers and charge-air cooling systems, engine control modules	Not Applicable	NO _x , CO, SO ₂ , VOC, PM/PM ₁₀	7/30/2012
-----	-----	Landfill gas treatment and transport system components	3,000 – 4,500 cfm	Not Applicable	Not Applicable	Not Applicable	7/30/2012
B1	B-1	Oil-fired Burnham boiler for space heating	0.195 MMBtu/hr	Not Applicable	Not Applicable	Not Applicable	Not Applicable

*The Size/Rated capacity and PCD efficiency are provided for informational purposes only, and are not applicable requirements.

EMISSIONS INVENTORY

Emissions from the facility in 2020 are summarized in the following tables.

2020 Criteria Pollutant and Greenhouse Gas Emissions in Tons/Year

Emissions	VOC	CO	SO ₂	PM ₁₀	PM _{2.5}	NO _x	CO _{2e}
Total	77.95	220.34	7.72	38.97	38.97	150.17	26,945.40

FUEL BURNING EQUIPMENT REQUIREMENTS - A1 – A6, B1 – B6, C1 – C6, D1 – D6, E1 – E6, F1 – F6, G1 – G6, H1 – H6, and B1

Citations

The following citations from the Virginia Administrative Codes identify the underlying authorities to implement the specific requirements determined to be applicable in the July 30, 2012 NSR permit:

9VAC5-80-1180: Standards and conditions for granting permits,
9VAC5-50-260: Standards of performance for stationary sources,
9VAC5-50-410: Designated standards of performance,
9VAC5-50-20: Compliance,
9VAC5-50-30: Performance testing,
9VAC5-50-50: Notification, records, and reporting,
9VAC5-50-80: Standard for visible emissions,
9VAC5-80-1200: Compliance determination and verification by performance testing,
9VAC5-20-180: Facility and control equipment maintenance or malfunction,
9VAC5-170-130: Right of entry,
9VAC5-80-1210: Permit invalidation, suspension, revocation and enforcement,
9VAC5-80-1240: Transfer of permits,
9VAC5-20-180: Facility and control equipment maintenance or malfunction,
9VAC5-170-130: Right of entry, and
9VAC5-170-60: Availability of information.

Limitations

The following requirements are from the minor NSR Permit dated July 30, 2012:

Conditions 2, 3, and 4: NO_x emissions from the engines shall be controlled by air-to-fuel ratio control, turbocharging, charge-air cooling, and combustion of treated LFG. The cooling system shall be capable of maintaining an hourly average inlet charge-air temperature no greater than 140°F.

Condition 5: CO emissions from the engines shall be controlled by limiting the ratio of treated LFG heat input to total fuel heat input to up to an average not to exceed 98% on an annual basis.

Condition 6: Uncontrolled venting of LFG from either, the engines, the LFG treatment system, or the treated LFG transport system is prohibited.

Condition 7: Particulate matter and VOC emissions from the engines shall be controlled by using good operation and maintenance practices.

Condition 8: All components of the treated LFG control system shall be in operation whenever the engines are operating in dual-fuel mode.

Condition 15: The facility shall determine the heat value of the treated LFG on a weekly basis.

Condition 16: The entire LFG treatment system is required to comply with 40 CFR 60.752(b)(2)(iii)(C) and shall be installed and operational whenever LFG is being transferred to any of the engines.

Condition 17: The approved fuels for the engines are number 1 and number 2 distillate oil, biodiesel oil, number 4 fuel oil, and treated LFG.

Condition 18: The facility shall limit consumption of fuel such that neither the total NO_x nor total CO emissions exceed 240 tons, for any consecutive 12-month period.

Condition 19: Specifications for the fuel oils and treated LFG.

Condition 20: Defines the source of LFG fuel and the minimum treatment specifications for the LFG fuel.

Condition 22: Emission limits for PM, PM₁₀, PM_{2.5}, SO₂, NO_x, CO and VOC from the engines on a lb/MMBtu basis.

Condition 23: Emission limits for PM, PM₁₀, PM_{2.5}, SO₂, NO_x, CO and VOC from the engines on a lb/hr and tons/yr basis.

Condition 24: Visible emissions from the engines' stacks are limited to 10% opacity when operated in single fuel mode and 20% opacity when operated in dual-fuel mode.

Condition 40: The permittee shall develop a maintenance schedule, maintain maintenance records, maintain an inventory of spare parts, have available written operating procedures and train equipment operators.

The engines are subject to the provisions of 40 CFR Part 63 Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion

Engines as existing, non-emergency, non-black start reciprocating internal combustion engines (RICE) which combust landfill gas equivalent to 10 percent or more of the gross heat input on an annual basis located at an area source of hazardous air pollutants (HAP). Though the engines appear to be applicable to another category of engines (non-emergency, non-black start combustion ignition (CI) stationary RICE >500 horsepower (HP)), the intent of the rule, as confirmed by EPA, is that as long as the engines are combusting LFG greater than 10 percent of the gross heat input on an annual basis, the requirements specified for LFG engines alone apply. The following provisions of Subpart ZZZZ apply to the engines:

40 CFR 63.6603(a): Must comply with the requirements in Table 2d and operating limitations in Table 2b to the subpart. For each non-emergency, non-black start stationary engine which combusts landfill gas equivalent to 10 percent or more of the gross heat input on an annual basis, Table 2d, item 13 requires oil and filter changes, spark plug, hose and belt inspections every 1,440 hours of operation or annually, whichever comes first.

Note: There are no numerical emission standards in Table 2d or operational limitations in Table 2b that apply to the engines.

40 CFR 63.6604(a): Diesel and biodiesel fuel must meet the requirements of 40 CFR 1090.305 for nonroad diesel fuel.

40 CFR 63.6605(a): Must be in compliance with applicable requirements at all times.

40 CFR 63.6605(b): Must operate at all times in accordance with good air pollution control practices for minimizing emissions.

40 CFR 63.6625(e)(6): Must operate and maintain each engine and any after-treatment control device (if any) according to the manufacturer's emission-related written instructions or develop a maintenance plan which must provide to the extent practicable for the maintenance and operation of each engine in a manner consistent with good air pollution control practice for minimizing emissions.

40 CFR 63.6625(h): Minimize the time spent at idle during startup and minimize startup time to a period, not to exceed 30 minutes.

40 CFR 63.6640(a): Demonstrate continuous compliance with requirements of Tables 2d according to methods specified in Table 6 (9).

The provisions of 40 CFR 63.6645(a)(5) indicate the notification requirements do not apply at this time.

As an existing oil-fired boiler with a heat input capacity less than 5 MMBtu per hour constructed before June 4, 2010, the following provisions of 40 CFR Part 63, Subpart JJJJJ – National

Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources apply to the Burnham boiler:

40 CFR 63.11201(b): Comply with each work practice standard, emission reduction measure, and management practice specified in Table 2 of the subpart. As specified in Table 2 (12), conduct a tune-up every 5 years as specified in §63.11223.

40 CFR 63.11201(d): These standards apply at all times the affected boiler is operating, except during periods of startup and shutdown as defined in §63.11237, during which time the boiler must comply only with Table 2 of the subpart.

40 CFR 63.11205(a): Must operate at all times in accordance with good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information which may include, but not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

The following Virginia Administrative Codes that have specific emission requirements have been determined to be applicable to the boiler:

9VAC5-50-80: Standard for visible emissions.

Monitoring

The following monitoring requirements are from the minor NSR Permit dated July 30, 2012:

Condition 9: Continuous measurement and recording of the quantity of each type of fuel consumed by each engine and the proper installation, maintenance, calibration and operation of each monitoring device.

Condition 10: Continuous measurement of the inlet charge-air temperature for each engine and the proper installation, maintenance, calibration and operation of each monitoring device.

Condition 11: Continuous measurement of the pressure within the LFG transport system and the proper installation, maintenance, calibration and operation of each monitoring device.

Condition 12: Continuous monitoring and recording of the LFG fraction and inlet charge-air temperature each engine as well as hourly written logs of each value in the event of a computer malfunction/failure.

Condition 13: Hourly observation of devices used to measure the inlet charge-air temperature for each engine while in operation and a daily log of these observations.

Condition 14: Daily observation of the devices used to measure the pressure of the treated LFG transport system whenever LFG fuel is used in the dual-fuel diesel engines and a daily log of these observations.

Condition 31: Daily determination and recording of the water remaining after draining each treated LFG polishing tank at least once each day LFG fuel is combusted in the engines.

Condition 34: Monthly visible emissions observations of the engines.

In accordance with the provisions of 9VAC5-80-110 E.2, a condition is included in the Title V permit requiring the permittee to conduct monthly visible emissions observations of the Burnham boiler.

As an existing oil-fired boiler with a heat input capacity less than 5 MMBtu per hour constructed before June 4, 2010, the following provisions of 40 CFR Part 63, Subpart JJJJJ – National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources apply to the Burnham boiler:

40 CFR 63.11223(a): Conduct a tune-up according to paragraph (b) of this section and keep records according to §63.11225(c) to demonstrate continuous compliance.

40 CFR 63.11223(e): Conduct a tune-up every 5 years as specified in paragraphs (b)(1) through (b)(7) of this section. Each 5-year tune-up must be conducted no more than 61 months after the previous tune-up.

Recordkeeping

The following recordkeeping requirements are from the minor NSR permit dated July 30, 2012. Condition numbers are from the minor NSR permit:

Condition 21: Obtain a certification from the fuel supplier with each shipment of distillate oil, biodiesel fuel, or number 4 oil.

Condition 25: Maintain records of all emission data and operating parameters necessary to demonstrate compliance with the NSR permit.

As non-emergency, non-black start stationary engines which combust landfill gas equivalent to 10 percent or more of the gross heat input on an annual basis at an area source, the following provisions of 40 CFR Part 63, Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines apply to the engines:

40 CFR 63.6655(e)(3): Keep records of maintenance according to owner's maintenance plan.

40 CFR 63.6660(a), (b) and (c): Keep records in a form suitable and readily available for expeditious review according to §63.10(b)(1); keep records for 5 years, in hard copy or electronic form.

As an existing oil-fired boiler with a heat input capacity less than 5 MMBtu per hour constructed before June 4, 2010, the following provisions of 40 CFR Part 63, Subpart JJJJJ – National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources apply to the Burnham boiler:

40 CFR 63.11225(c)(1): Keep a copy of each notification and report submitted to comply with the subpart.

40 CFR 63.11225(c)(2)(i): Keep records of tune-ups.

40 CFR 63.11225(c)(4): Records of the occurrence and duration of each malfunction of the boiler, or of the associated air pollution control and monitoring equipment.

40 CFR 63.11225(c)(5): Records of actions taken during periods of malfunction to minimize emissions.

40 CFR 63.11225(d): Keep records in a suitable form for 5 years following the date of each recorded action.

Testing

The following testing requirements are from the minor NSR permit dated July 30, 2012. Condition numbers are from the minor NSR permit:

Condition 26: Requires performance tests for NO_x and CO emissions from the engines while operating on 100% distillate oil.

Condition 27: Requires performance tests for NO_x, CO, VOC and PM₁₀ emissions from the engines while operating in dual fuel mode.

Condition 28: Requires performance tests for NO_x and CO emissions from the engines while operating in single fuel mode using 100% number 4 fuel oil and/or bio-diesel.

Condition 29: Requires the determination of the moisture content of the LFG to be performed concurrent with the performance tests.

Condition 30: Requires VEEs to be performed concurrently with the performance tests.

Condition 32: Requires each set of six engines to be performance tested in continual rotation so that every set is tested every Title V Permit term.

Note: The initial performance testing requirements in NSR permit Conditions 26, 27, 29, and 30, have been completed. Therefore, those initial performance testing requirements no longer apply and are not included in the Title V renewal permit.

Condition 33: Requires the permittee to provide testing and monitoring ports and use appropriate test method(s) in accordance with procedures approved by the Department.

The provisions of 40 CFR 63 Subpart ZZZZ do not contain periodic stack testing requirements for the LFG engines at this time.

The provisions of 40 CFR 63 Subpart JJJJJ do not contain periodic stack testing requirements for the boiler at this time.

Reporting

The Title V permit includes semi-annual compliance reporting, excess emission reporting, and the occurrence of any malfunctions or permit deviations.

The following reporting requirements are from the minor NSR permit dated July 30, 2012. Condition numbers are from the minor NSR permit:

Condition 35: Requires written notification of the anticipated and actual dates of any modification or change to any of the engine control modules and subsequent start up dates for the modified engines.

Note: The notification requirements in NSR permit Condition 35 have been completed. Therefore, those requirements are no longer applicable and are not included in the Title V renewal permit.

Condition 36: Notification of the date of removal or cessation of operation of the control equipment 30 days prior to such date.

As non-emergency, non-black start stationary engines which combust landfill gas equivalent to 10 percent or more of the gross heat input on an annual basis at an area source, the following provisions of 40 CFR Part 63, Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines apply to the engines:

40 CFR 63.6640(b): Report each instance that a requirement in Table 2d was not met.

40 CFR 63.6650(a): Submit each report in Table 7 of Subpart ZZZZ that applies to the engines.

40 CFR 63.6650(g): Submit an annual report including data specified in (g)(1) – (g)(3).

As an existing oil-fired boiler with a heat input capacity less than 5 MMBtu per hour constructed before June 4, 2010, the following provisions of 40 CFR Part 63, Subpart JJJJJ – National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources apply to the Burnham boiler:

40 CFR 63.11223(b)(6): Maintain on-site and submit, if requested, a report containing the information in paragraphs (b)(6)(i) through (b)(6)(iii) of this section.

40 CFR 63.11225(b): Prepare, by March 1 of each year, and submit upon request, a 5-year compliance report as specified in paragraphs (b)(1) and (b)(2) of this section. The report must be submitted by March 15 for any instance described by paragraph (b)(3), deviation from applicable requirements.

40 CFR 63.11225(g): Notification of boiler or fuel changes.

INSIGNIFICANT EMISSIONS UNITS

The insignificant emission units are presumed to be in compliance with all requirements of the Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping or reporting shall be required for these emission units in accordance with 9VAC5-80-110.

Insignificant emission units include the following:

Emission Unit No.	Emission Unit Description	Citation¹ (9VAC_)	Pollutant(s) Emitted (9VAC5-80-720 B.)
T1 – T4	Four fuel oil storage tanks	5-80-720 B	VOC
T5 & T6	Two lubricating oil tanks	5-80-720 B	VOC

¹The citation criteria for insignificant activities are as follows:

9VAC5-80-720 A - Listed Insignificant Activity, Not Included in Permit Application

9VAC5-80-720 B - Insignificant due to emission levels

9VAC5-80-720 C - Insignificant due to size or production rate

PERMIT SHIELD AND INAPPLICABLE REQUIREMENTS

Since the engines do not use add-on pollution control devices, the provisions of 40 CFR Part 64 – Compliance Assurance Monitoring do not apply.

The provisions of 9VAC5-40-880 through 9VAC5-40-1050 (Rule 4-8), Emission Standards for Fuel Burning Equipment do not apply to stationary internal combustion engines.

The provisions of 40 CFR Part 60 Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines do not apply to the engines since they were constructed prior to the applicability date of July 11, 2005, indicated in the subpart.

The provisions of 40 CFR Part 60 Subpart Kb – Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984 do not apply to the fuel oil storage tanks or the lubrication oil tanks. The fuel oil storage tanks store liquids with a maximum true vapor pressure less than 15.0 kPa. The capacity of the lubrication oil tanks is less than the applicable storage capacity of 75 cubic meters.

The provisions of 40 CFR Part 60 Subpart WWW – Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification on or After May 30, 1991, but Before July 18, 2014, do not apply. The facility is not a municipal solid waste landfill.

The provisions of 40 CFR Part 60 Subpart AAAA – Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001, do not apply to the engines. The engines are not municipal waste combustion units as defined in the subpart.

The current minor NSR permit for the facility contains no GHG-specific applicable requirements and there have been no modifications at the facility requiring a PSD permit. Therefore, there are no applicable requirements for the facility specific to GHG.

GENERAL CONDITIONS

The permit contains general conditions required by 40 CFR Part 70 and 9VAC5-80-110 that apply to all Federal-operating permitted sources. These include requirements for submitting semi-annual monitoring reports and an annual compliance certification report. The permit also requires notification of deviations from permit requirements or any excess emissions.

Comments on General Conditions

Federal Enforceability

Article 1 (9VAC5-80-110 N) states that all terms and conditions in the Title V permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

Permit Expiration

This condition refers to the Board taking action on a permit application. The “Board” refers to the State Air Pollution Control Board. The authority to take action on permit application(s) has been delegated to the Regions as allowed by §2.2-604 and §10.1-1185 of the Code of Virginia, and the “Department of Environmental Quality Agency Policy Statement No. 2-09”.

Failure / Malfunction Reporting

Section 9VAC5-20-180 requires malfunction and excess emission reporting within four hours of discovery. Section 9VAC5-20-180 is from the general regulations. All affected facilities are subject to section 9VAC5-20-180 including Title V facilities. A facility may make a single report that meets the requirements of 9VAC5-20-180. The report must be made within four daytime business hours of discovery of the malfunction.

Permit Modification

This general condition cites the sections that follow:

9VAC5-80-50. Applicability, Federal Operating Permit for Stationary Sources
9VAC5-80-190. Changes to Permits
9VAC5-80-260. Enforcement
9VAC5-80-1100. Applicability, Permits For New and Modified Stationary Sources
9VAC5-80-1605. Applicability, Permits For Major Stationary Sources and Modifications
Located in Prevention of Significant Deterioration Areas
9VAC5-80-2000. Applicability, Permits for Major Stationary Sources and Major Modifications
Locating in Nonattainment Areas

Asbestos Requirements

The Virginia Department of Labor and Industry under Section 40.1-51.20 of the Code of Virginia also holds authority to enforce 40 CFR 61 Subpart M, National Emission Standards for Asbestos.

CONFIDENTIAL INFORMATION

No confidential information request has been made. All portions of the Title V permit and application are available for public review.

PUBLIC PARTICIPATION

A public notice regarding the draft permit will be published in the *Richmond Times-Dispatch*. A copy of the draft permit and public notice will be sent to the EPA prior to publication of the public notice.

A copy of the public notice will be sent to all persons on the Title V mailing list by either postal mail or e-mail as requested.

Public comments will be accepted for at least 30 days from the date of publication of the public notice.